

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 60th LEGISLATURE - REGULAR SESSION

JOINT APPROPRIATIONS SUBCOMMITTEE ON GENERAL GOVERNMENT AND TRANSPORTATION

Call to Order: by Chairman Janna Taylor, on January 25, 2007 at 10:00 A.M., in Room 317-B Capitol.

ROLL CALL

Members Present:

Rep. Janna Taylor, Chairman (R)
Sen. Rick Laible (R)
Rep. Bill McChesney (D)
Rep. Jon C. Sesso (D)
Rep. John Sinrud (R)
Sen. Corey Stapleton (R)
Sen. Carol Williams (D)

Members Excused: None.

Members Absent: Sen. Lane L. Larson, Vice Chairman (D)

Staff Present: Amy Sassano, Office of
Budget and Program Planning
Debbie Carlson, Committee Secretary
Pat Gervais, Legislative Branch
Kris Wilkinson, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Executive Action: Legislative Branch
Judicial Branch

Discussion:

00:02:16 Rep. Sinrud
00:02:25 Ms. Wilkinson
00:02:49 Rep. Sinrud
00:04:20 Rep. Taylor
00:04:45 Rep. Sesso
00:06:21 Rep. Sinrud
00:06:37 Rep. Taylor
00:07:13 Ms. Wilkinson
00:07:32 Rep. Taylor
00:07:40 Rep. Sinrud
00:07:49 Rep. Taylor

LEGISLATIVE BRANCH

00:08:02 Ms. Wilkinson

00:09:03 **Motion/Vote:** Rep. Sesso moved **TO APPROVE** remaining
statewide present law adjustments. Motion carried
unanimously by roll call vote. Sen. Larson voted by
proxy.

00:09:49 Rep. Sinrud
00:10:01 Ms. Wilkinson

DP 1 PROGRAM OPERATIONS, LEGISLATIVE SERVICES DIVISION

00:11:17 Rep. Sesso
00:11:24 Ms. Wilkinson

00:12:19 **Motion/Vote:** Rep. Sesso moved that DP 1 **BE ADOPTED**.
Motion carried unanimously by roll call vote. Sen.
Larson voted by proxy.

DP 2 NETWORK TECHNICIAN FTE/CONTRACTED SERVICES REDUCTION

00:13:06 **Motion/Vote:** Rep. Sesso moved that DP 2 **BE ADOPTED**.
Motion carried unanimously by roll call vote. Sen.
Larson voted by proxy.

DP 3 COMPUTER SECURITY FTE/CONTRACTED SERVICES REDUCTION

00:14:03 **Motion/Vote:** Rep. Sesso moved that DP 3 **BE ADOPTED**.
Motion carried unanimously by roll call vote. Sen.
Larson voted by proxy.

00:15:10 Rep. Sinrud
00:15:29 Ms. Wilkinson

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00:16:10 Rep. Sesso
00:16:24 Rep. Sinrud
00:16:41 Rep. Taylor
00:16:52 Sen. Williams
00:17:05 Rep. Taylor
00:17:10 Ms. Wilkinson

00:17:24 **Motion:** Sen. Williams moved **TO STIPULATE** if HB 1 does not come back with the appropriation, this committee appropriate it.

00:18:05 Rep. Sinrud
00:18:43 Ms. Wilkinson
00:18:54 Sen. Williams agreed to a friendly amendment to make her motion contingent on HB 438.
00:19:14 Sen. Stapleton
00:19:33 Rep. Sinrud

00:20:05 **Vote:** Motion carried 5-2 present and voting by voice vote.

DP 5 LEGISLATIVE INFORMATION OFFICER

00:21:12 Sen. Wilkinson
00:21:31 **Motion:** Sen. Laible moved that DP 5 **BE ADOPTED**. Motion carried 5-3 by roll call vote with Rep. Sinrud, Sen. Stapleton and Rep Taylor voting no. Sen. Larson voted aye by proxy.
00:22:26 Rep. Taylor
00:22:32 Ms. Wilkinson

DP 1007 COST OF RETIRING EMPLOYEES

00:23:03 **Motion:** Sen. Laible moved DP 1007 **BE ADOPTED** contingent on HB 139 passage one-time-only and restricted.

Discussion:

00:23:43 Rep. Sesso
00:23:56 Amy Sassano
00:24:23 Rep. Sinrud
00:24:32 Ms. Sassano
00:24:50 Rep. Sinrud
00:24:58 Ms. Sassano
00:25:03 Rep. Sinrud
00:26:22 Sen. Williams

00:27:23 Ms. Wilkinson
00:27:33 Rep. Sinrud
00:28:03 Ms. Wilkinson
00:28:09 Sen. Laible
00:28:20 Ms. Wilkinson

00:28:45 **Vote:** Motion carried 5-3 by roll call vote with Sen. Larson voting aye by proxy.

00:29:01 Mr. Wilkinson

00:29:54 **Motion/Vote:** Sen. Laible move **THAT THE LEGISLATIVE BRANCH WILL HAVE BIENNIAL APPROPRIATIONS.** Motion carried unanimously by roll call vote. Sen. Larson voted by proxy.

PROGRAM 21 - LEGISLATIVE COMMITTEES AND ACTIVITIES

00:30:51 Ms. Wilkinson

00:31:14 **Motion/Vote:** Sen. Laible moved **TO APPROVE** remaining statewide adjustments. Motion carried unanimously by roll call vote. Sen. Larson voted aye by proxy.

DP 6 PROGRAM OPERATIONS, COMMITTEES AND ACTIVITIES

00:32:00 Ms. Wilkinson

00:32:15 **Motion:** Rep. Sesso moved that DP 6 **BE ADOPTED.** Motion carried unanimously by roll call vote. Sen. Larson voted aye by proxy.

00:33:08 Ms. Wilkinson

00:33:39 Rep. Sinrud

DP 7 PARTICIPATION, NATIONAL CONFERENCE OF STATE LEGISLATURES

DP 8 PARTICIPATION AND DUES, COUNCIL OF STATE GOVERNMENT

DP 9 PARTICIPATION, PACIFIC NW ECONOMIC REGION

DP 10 PARTICIPATION, RIVER GOVERNANCE

00:33:45 **Motion/Vote:** Rep. Sesso moved that DP 7, 8, 9, 10 **BE ADOPTED.** Motion carried 7-1 by roll call vote with Rep. Sinrud voting no. Sen. Larson voted aye by proxy.

00:34:09 Rep. Sinrud

00:34:14 Rep. Taylor

PROGRAM 27 LEGISLATIVE FISCAL ANALYSIS & REVIEW

00:35:11 Ms. Wilkinson
00:35:43 **Motion/Vote:** Rep. Sinrud moved that PROGRAM 27 **BE ADOPTED**. Motion carried unanimously by roll call vote. Sen. Larson voted aye by proxy.
00:35:54 Rep. Taylor

PROGRAM 28 LEGISLATIVE AUDIT & EXAMINATION

00:36:41 Ms. Wilkinson
00:36:56 **Motion/Vote:** Rep. Sinrud moved that PROGRAM 28 **BE ADOPTED**. Motion carried unanimously by roll call vote. Sen. Larson voted aye by proxy.
00:38:03 Break

SUPREME COURT OPERATIONS

00:46:38 Ms. Gervais
00:47:43 **Motion/Vote:** Rep. Sesso moved **TO RESTORED** statewide present law adjustments. Motion carried by roll call vote with Rep. Sinrud, Rep. Taylor and Sen. Laible voting no. Sen. Larson voted aye by proxy.
00:48:35 Ms. Wilkinson

DP 1005 RENT FEDERAL BUILDING

00:49:22 **Motion/Vote:** Rep. Sesso moved that DP 1005 **BE ADOPTED**. Motion carried by roll call vote with Rep. Sinrud and Sen. Stapleton voting no. Sen. Larson voted aye by proxy.
00:49:50 Rep. Taylor

DP 1007 IT SOFTWARE MAINTENANCE

00:50:27 **Motion/Vote:** Rep. Sesso moved that DP 1007 **BE ADOPTED**.

Discussion:

00:51:02 Ms. Gervais
00:52:15 Rep. Taylor
00:52:23 Ms. Gervais
00:52:44 Rep. Taylor

00:52:50 Ms. Gervais

00:52:59 **Vote:** Motion carried 5-3 by roll call vote with Sen. Laible, Rep. Sinrud, and Rep. Taylor voting no. Sen. Larson voted aye by proxy.

DP 1001 APPELLATE MEDIATOR

00:53:44 **Motion/Vote:** Rep. Sesso moved that DP 1001 **BE ADOPTED**. Motion failed 4-4 by roll call vote with Sen. Williams, Rep. McChesney, Sen. Larson, and Rep. Sesso voting aye. Sen. Larson voted aye by proxy.

DP 1004 PRE SE LAW CLERK

00:54:32 **Motion/Vote:** Rep. Sesso moved that DP 1004 **BE ADOPTED**. Motion carried 7-1 with Rep. Sinrud voting no. Sen. Larson voted aye by proxy.

DP 1006 CASA FEDERAL GRANT

00:55:23 **Motion/Vote:** Rep. Sesso moved that DP 1006 **BE ADOPTED**. Motion carried unanimously. Sen. Larson voted aye by proxy.

00:55:45 Ms. Gervais

00:56:25 Sen. Larson

00:56:34 Ms. Gervais

DP 1007 CASA FUNDING STABILIZATION

00:57:26 **Motion/Vote:** Rep. Sesso moved that DP 1007 **BE ADOPTED**. Motion carried unanimously. Sen. Larson voted aye by proxy.

BOARDS AND COMMISSIONS

00:58:23 Ms. Gervais

00:58:43 Sen. Laible

00:59:11 Ms. Gervais

01:00:06 Rep. Taylor

01:00:26 Lois Menzies

01:01:13 Ms. Gervais

01:01:38 **Motion/Vote:** Rep. Sesso moved **TO RESTORE** statewide present law adjustments. Motion carried unanimously. Sen. Larson vote aye by proxy.

DP 2002 JUDICIAL STANDARDS RESTRICTED/BIENNIAL

- 01:02:28 **Motion/Vote:** Rep. Sesso moved that DP 2002 **BE ADOPTED**. Motion carried by roll call vote with Sen. Stapleton voting no.
- 01:03:46 **Motion/Vote:** Rep. Sesso moved the Boards and Commissions reduction. Motion carried unanimously by voice vote.

LAW LIBRARY

- 01:04:07 Ms. Gervais
01:04:36 Rep. Sesso
01:05:09 Ms. Gervais
- 01:05:26 **Motion/Vote:** Rep. Sesso moved that the statewide present laws adjustments **BE ADOPTED**. Motion carried by roll call vote 7-1 with Sen. Williams voting no. Sen. Larson voted aye by proxy.

DP 4008 PSYCHOLOGICAL EXAMS AND RELATED COSTS

- 01:06:45 Ms. Gervais
- 01:07:14 **Motion/Vote:** Rep. Sesso moved that DP 4008 **BE ADOPTED**. Motion failed 4-4 with Rep. McChesney, Rep. Sesso, Sen. Larson and Sen. Williams voting aye. Sen. Larson voted aye by proxy.

DP 4009 VARIABLE COST BASE ADJUSTMENTS

- 01:08:10 Ms. Gervais
- 01:08:31 **Motion/Vote:** Rep. Sesso moved that DP 4009 **BE ADOPTED**. Motion carried unanimously by voice vote. Sen. Larson voted aye by proxy.
- 01:08:46 Ms. Gervais

DP 4005 DISTRICT COURT SAFETY AND SECURITY

- 01:09:19 **Motion:** Rep. Sesso moved that DP 4005 **BE ADOPTED**.

Discussion:

- 01:09:55 Sen. Stapleton
01:10:04 Rep. Sesso

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01:11:32 Sen. Laible
01:11:36 Ms. Gervais
01:12:08 Rep. Taylor
01:12:13 Ms. Gervais
01:12:23 Sen. Stapleton
01:12:19 Rep. Taylor
01:12:30 Ms. Gervais
01:13:02 Ms. Menzies
01:13:47 Sen. Laible
01:14:14 Ms. Gervais

01:14:55 **Vote:** Motion failed, present and voting, 3-3 by roll call vote with Rep. McChesney, Sen. Williams and Rep. Sesso voting aye.

01:15:30 **Substitute Motion:** Sen. Laible moved **TO MODIFY** the motion on DP 4005 that the money be distributed according to the number of judges and the district courts be allowed to use the funds as appropriate, one-time-only.

Discussion:

01:16:05 Rep. Taylor
01:16:44 Ms. Menzies
01:17:12 Sen. Laible
01:17:15 Ms. Menzies
01:17:32 Sen. Laible
01:18:07 Ms. Menzies
01:18:23 Sen. Laible

01:18:54 **Vote:** Motion carried present and voting 6-1 by roll call vote with Sen. Larson voting by proxy. Rep. Taylor voted no.

DP 4010 JUDICIAL SUPPORT AND YOUTH PROBATION STAFF

01:19:20 Ms. Gervais

01:19:47 **Motion:** Rep. Sesso moved that DP 4010 **BE ADOPTED.**

Discussion:

01:20:18 Sen. Laible
01:20:23 Ms. Gervais
01:20:31 Rep. McChesney
01:20:41 Sen. Laible
01:20:54 Ms. Gervais
01:21:13 Sen. Laible
01:21:22 Ms. Gervais

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01:21:30 Sen. Laible
01:21:33 Ms. Gervais
01:22:47 Rep. Taylor
01:23:14 Rep. McChesney

01:23:59 **Vote:** Motion carried present and voting 7-0 by roll call vote. Sen. Larson voted by proxy.

DP 4011 REPLACE STATE SPECIAL FOR FUNDING FROM COUNTIES

01:24:08 Ms. Gervais
01:24:30 Rep. Taylor

01:24:39 **Motion/Vote:** Rep. Sesso moved that 4011 **BE ADOPTED**. Motion carried unanimously by voice vote. Sen. Larson voted by proxy.

Discussion:

01:25:14 Ms. Gervais
01:25:32 Rep. Taylor
01:25:47 Ms. Gervais

01:26:13 **Motion/Vote:** Rep. Sesso moved the additional judicial education **BE ADOPTED**. Motion carried 6-1 by roll call vote with Sen. Laible voting no. Sen. Larson voted by proxy.

01:26:50 Ms. Gervais

01:27:12 **Motion:** Rep. Sesso moved the pay equity proposal as presented **BE ADOPTED**.

Discussion:

01:28:13 Sen. Stapleton
01:28:22 Rep. Taylor

01:28:58 **Substitute Motion:** Sen. Laible made a substitute motion **TO BRING PARITY** between branches of government.

Discussion:

01:30:43 Sen. Williams
01:31:09 Ms. Gervais
01:31:54 Sen. Stapleton
01:33:54 Ms. Gervais
01:34:28 Sen. Stapleton
01:35:13 Sen. Laible
01:36:20 Rep. Taylor
01:36:26 Chief Justice Carla Gray, Montana Supreme Court

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01:37:33 Sen. Stapleton
01:37:52 Justice Gray
01:38:37 Sen. Williams
01:39:50 Sen. Stapleton
01:42:39 Sen. Laible
01:43:29 Rep. Taylor
01:43:36 Brent Doig, Office of Budget and Program Planning
01:43:55 Rep. Taylor
01:44:02 Mr. Doig
01:44:08 Rep. Taylor
01:44:26 Sen. Williams
01:44:49 Rep. Taylor

01:45:01 **Vote:** Motion carried present and voting 7-0 by roll call vote.

WATER COURT

Discussion:

01:45:33 Ms. Gervais
01:46:22 Rep. Taylor
01:46:33 Ms. Gervais
01:47:11 Rep. Taylor
01:47:23 Ms. Gervais
01:47:40 Bruce Lobel, Chief Water Judge

01:48:28 **Motion/Vote:** Sen. Laible moved **TO RESTORE** the statewide present law adjustment to the budget request, DP 5001 Rent Increase, and Advance Staff from Law Clerk to Water Master. Motion carried 7-1 by roll call vote with Sen. Stapleton voting no. Sen. Larson voted by proxy.

01:48:35 Ms. Gervais
01:49:24 Sen. Laible

CLERK OF COURT'S OFFICE

01:50:01 Ms. Gervais

01:50:38 **Motion/Vote:** Sen. Laible moved **TO REDUCE** by \$2,855 per year the statewide present law adjustment. Motion carried unanimously by voice vote.

Discussion:

01:51:02 Ms. Gervais
01:51:14 Rep. Taylor

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ADJOURNMENT

Adjournment: 12:00 P.M.

REP. JANNA TAYLOR, Chairman

DEBBIE CARLSON, Secretary

JT/dc

Additional Exhibits:

EXHIBIT ([jgh17aad.pdf](#))